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November 12, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

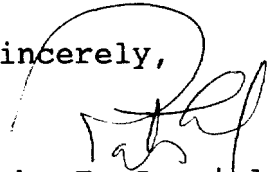
Re: REPLY TO OPPOSITION TO MOTION TO ACCEPT
SUPPLEMENTAL JOINT REPLY COMMENTS
Amendment of Section 73.202(b)
FM Table of Allotments
(Mishicot, Wisconsin; Gulliver, Michigan)
(MM Docket No. 99-145; RM-9336)

Dear Ms. Salas:

Transmitted herewith on behalf of Bay-Lakes-Valley Broadcasters, Inc. and Great Lakes Radio, Inc. is an original and four copies of their Reply to the October 14, 1999 Opposition to Motion to Accept Supplemental Joint Reply Comments filed by Roy E. Henderson d/b/a Indian River Broadcasting Company, in the above-referenced rule making proceeding.

Should any questions arise concerning this matter, please contact the undersigned.

Sincerely,


John F. Garziglia
Patricia M. Chuh

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Mishicot, Wisconsin; and Gulliver,
Michigan)

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MM Docket No. 99-145
RM-9336

To: Chief, Allocations Branch

**REPLY TO OPPOSITION TO MOTION TO ACCEPT
SUPPLEMENTAL JOINT REPLY COMMENTS**

Bay-Lakes-Valley Broadcasters, Inc. ("Bay-Lakes-Valley"), the licensee of WGBM(FM), Mishicot, Wisconsin, and Great Lakes Radio, Inc. ("Great Lakes"), the licensee of WCMM(FM) Gulliver, Michigan, by their attorneys, hereby jointly submit their response to the October 14, 1999 Opposition to Motion to Accept Supplemental Joint Reply Comments ("Opposition") filed by Roy E. Henderson d/b/a Indian River Broadcasting Company ("Henderson"). Because Henderson's Opposition is without merit, the Commission should adopt the allotment plan proposed in the Notice of Proposed Rule Making and Order to Show Cause, DA 99-868, MM Docket No. 99-145, RM-9336, released May 7, 1999 ("NPRM") by: (1) substituting Channel 234C3 for Channel 234A at Mishicot, Wisconsin and modifying the license for WGBM(FM) to specify operation on Channel 234C3, and (2) substituting Channel 273C1 for Channel 234C1 at Gulliver, Michigan and modifying the license for WCMM(FM) to specify operation on Channel 234C1. In support whereof the following is respectfully submitted:

1. Contrary to Henderson's assertion in his Opposition, Section 1.420(j) of the Commission's rules does not require the filing of reimbursement agreements. In fact, Section 1.420(j) does not address reimbursement agreements at all. Instead, the rule governs filing requirements for parties seeking to dismiss or withdraw an expression of interest in an allotment proceeding. In this case, Great Lakes is **not** dismissing or withdrawing an expression of interest.

2. Moreover, the Motion to Accept Supplemental Joint Reply Comments (and the Supplemental Joint Reply Comments) were jointly submitted by Bay-Lakes-Valley and Great Lakes merely to advise the Commission that the parties had come to a definitive agreement as to Bay-Lakes-Valley's reimbursement of reasonable costs incurred by Great Lakes in changing frequencies should the Commission adopt the allotment plan proposed in the NPRM. Parties before the Commission are responsible for keeping the information before the Commission accurate and complete. See 47 CFR 1.65. In this case, Great Lakes, in its June 28, 1999 Comments, requested that the Commission direct the parties (Great Lakes and Bay-Lakes-Valley) to enter into a definitive cost reimbursement agreement before the conclusion of the rule making proceeding. In accordance with Section 1.65 of the Commission's rules, the parties jointly filed the Motion to Accept Supplemental Joint Reply Comments (and the Supplemental Joint Reply Comments) to advise the Commission that the parties had entered into such a definitive cost reimbursement agreement.

WHEREFORE, for the reasons above, the Commission should disregard the October 14, 1999 Opposition to Motion to Accept Supplemental Joint Reply Comments filed by Roy E. Henderson d/b/a Indian River Broadcasting Company, and the Commission should substitute Channel 234C3 for Channel 234A at Mishicot, Wisconsin and modify the license of WGBM(FM) to specify operation on Channel 234C3, and substitute Channel 273C1 for Channel 234C1 at Gulliver, Michigan and modify the license of WCMM(FM), Gulliver, Michigan to specify operation on Channel 273C1.

Respectfully submitted,

BAY-LAKES-VALLEY BROADCASTERS, INC.

By: 

John F. Garziglia
Patricia M. Chuh
Its Attorneys

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GREAT LAKES RADIO, INC.

By: _____

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Its Attorneys

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November 12, 1999

WHEREFORE, for the reasons above, the Commission should disregard the October 14, 1999 Opposition to Motion to Accept Supplemental Joint Reply Comments filed by Roy E. Henderson d/b/a Indian River Broadcasting Company, and the Commission should substitute Channel 234C3 for Channel 234A at Kishico, Wisconsin and modify the license of WGBM(FM) to specify operation on Channel 234C3, and substitute Channel 273C1 for Channel 234C1 at Gulliver, Michigan and modify the license of WCMH(FM), Gulliver, Michigan to specify operation on Channel 273C1.

Respectfully submitted,

BAY-LAKES-VALLEY BROADCASTERS, INC.

By: _____

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Patricia M. Chuh
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November 12, 1999

CERTIFICATE OF SERVICE

I, Lisa Skoritoski, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that true copies of the foregoing "Reply to Opposition to Motion to Accept Supplemental Joint Reply Comments" were sent this 12th day of November, 1999 by U.S. first class mail, postage prepaid, to the following:

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Lisa Skoritoski